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OFFICE OF PETITIONS

In re Application of :
Montalvo, Escobar, and Willem :
Application No. 09/988,125 : DECISION ACCORDING STATUS
Filed: 19 November, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 6530.0253-00 :
:

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 18 April, 2002.

The petition is **GRANTED**.

It is noted that one of the previously non-signing inventors, Cesar Escobar, has now signed the declaration. Additionally, petitioners have shown that the non-signing inventor, Richard Montalvo, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, via the declaration of Kathleen Cronin, that a copy of the above-identified application was sent to the non-signing inventor's address. Additionally several phone calls were placed to the non-signing inventor. The inventor, however, has failed to return an executed declaration naming him as a joint inventor along with Cesar Escobar and Curt Willem.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

As no petition fee is due for reconsideration, the petition fee of \$130.00 charged with the present petition is unnecessary and will be credited to counsel's deposit account, No. 06-0916.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy